

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

EVERETT HAYES,  
Defendant.

NO. CR21-172-RSL

**PROTECTIVE ORDER**

This matter, having come to the Court's attention on the government's motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

**1. Protected and Sensitive Material.**

*A. Protected Material.* The following documents and materials are deemed Protected Material:

- i. Grand Jury transcripts and exhibits;
- ii. Witness statements, including but not limited to reports of law enforcement officers memorializing witness statements; and
- iii. The personal information related to victims and/or witnesses, and any statements and/or documents containing personal information related to any victims and/or witnesses. As used in this Order, the term "personal information" refers to

1 each victim and/or witnesses' date of birth, Social Security number (or other  
2 identification information), driver's license number, address, telephone number, location  
3 of residence or employment, school records, juvenile criminal records, and other  
4 confidential information. In addition, with respect to any victims in this case, the term  
5 "personal information" also includes the name and identity of each victim.

6 The United States will make available copies of the Protected Materials, including  
7 those filed under seal, to defense counsel to comply with the government's discovery  
8 obligations. Possession of copies of the Protected Materials is limited to defense counsel,  
9 and colleagues, investigators, paralegals, law clerks, experts and assistants for defense  
10 counsel (hereinafter collectively referred to as "members of the defense team"):

11 The members of the defense team may share and review the Protected Material  
12 with the Defendant. The members of the defense team acknowledge that providing  
13 copies of the Protected Material to the Defendant and other persons is prohibited, and  
14 agree not to duplicate or provide copies of the Protected Material to the Defendant and  
15 other persons. The exception to this prohibition is the dissemination of electronic copies  
16 to the Federal Detention Center at SeaTac, Washington, for use in a controlled  
17 environment by Defendant, who is currently in custody there.

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1           *B. Sensitive Material.* The following documents and materials are  
2 deemed Sensitive Material:

- 3           i. Medical records related to victims and/or witnesses;  
4           ii. Sexually suggestive photographs of victims and/or witnesses,  
5 including but not limited to photographs connected to online advertisements for  
6 prostitution; and  
7           iii. Records containing personal information, including financial  
8 or credit card information, dates of birth, and Social Security Information, that are too  
9 voluminous to redact.

10           Possession of Sensitive Material is limited to members of the defense team. The  
11 members of the defense team may not share or review the documents containing  
12 Sensitive Material, or any copies of any documents containing Sensitive Material, in any  
13 manner with any other person, including Defendant. This order, however, does not  
14 prohibit the members of the defense team from discussing the contents of documents  
15 constituting Sensitive Material with Defendant, as long as the members of the defense  
16 team do not share the documents or copies of the documents with Defendant or any other  
17 person. The members of the defense team shall keep any documents containing Sensitive  
18 Material secured whenever the documents containing Sensitive Material is not being used  
19 in furtherance of their work in the above captioned case.

20           Additional discovery items may be deemed by the parties to constitute Protective  
21 or Sensitive Material upon agreement.

22           Defense counsel and all members of the defense team are subject to the terms and  
23 conditions of this Protective Order. Defense counsel are required to provide a copy of  
24 this Protective Order to members of the defense team, and to inform and ensure  
25 compliance with the terms of this Order by other members of the defense team after entry  
26 of this Order.  
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1 Members of the defense team who are not employed directly by the Office of the  
2 Federal Defender, including outside experts retained by the defense, shall provide written  
3 consent and acknowledgement that they will each be bound by the terms and conditions  
4 of this Protective Order. The written consent need not be disclosed or produced to the  
5 United States unless requested by the Assistant United States Attorney and ordered by the  
6 Court.

7 Nothing in this order should be construed as imposing any discovery obligations  
8 on the government that are different from those imposed by case law and Rule 16 of the  
9 Federal Rules of Criminal Procedure.

## 10 **2. Filing**

11 Any Protected or Sensitive Material that is filed with the Court in connection with  
12 pre-trial motions, trial, or other matter before this Court, shall be filed under seal and  
13 shall remain sealed until otherwise ordered by this Court. This does not entitle either  
14 party to seal their filings as a matter of course. The parties are required to comply in all  
15 respects to the relevant local and federal rules of criminal procedure pertaining to the  
16 sealing of court documents.

## 17 **3. Nontermination**

18 The provisions of this Order shall not terminate at the conclusion of this  
19 prosecution.

## 20 **4. Violation of Any Terms of this Order**

21 Any violation of any term or condition of this Order by the Defendant, his defense  
22 counsel, or any member of the defense team, may be held in contempt of court, and/or  
23 may be subject to monetary or other sanctions as deemed appropriate by this Court.

24 If the Defendant violates any term or condition of this Order, the United States  
25 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file  
26 any criminal charges relating to the defendant's violation.  
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## 5. Right to Review

The parties agree that in the event that compliance with this Order makes it difficult for defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an unworkable burden on counsel, defense counsel shall bring any concerns about the terms of the Order to the attention of the government. The parties shall then meet and confer with the intention of finding a mutually acceptable solution. In the event that the parties cannot reach such a solution, defense counsel shall have the right to bring any concerns about the scope or terms of the Order to the attention of the Court.

The Clerk of the Court is directed to provide a filed copy of this Protective Order to all counsel of record.

DATED this 6th day of September, 2022.

Mr S Casnik

THE HONORABLE ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Catherine L. Crisham  
CATHERINE L. CRISHAM  
Assistant United States Attorney